



# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE 19 - 16

BILL 16 (2019), CD2

## A BILL FOR AN ORDINANCE

RELATING TO THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION CAPITAL BUDGET FOR THE FISCAL YEAR  
JULY 1, 2019 TO JUNE 30, 2020.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. The revenues from the following sources estimated for the fiscal year July 1, 2019 to June 30, 2020 are hereby provided and appropriated for the purposes set forth in Section 2:

FUND CODE	SOURCE OF FUNDS	AMOUNT	TOTAL
<b>FEDERAL FUNDS:</b>			
FG	Federal Grants Fund	\$100,000,000	\$100,000,000
<b>GENERAL OBLIGATION BONDS:</b>			
TF	Transit Improvement Bond Fund	\$2,027,564,963	\$2,027,564,963
<b>TRANSIT FUND:</b>			
TR	Transit Fund	\$309,788,024	\$309,788,024
<b>TOTAL ALL FUNDS</b>			<b>\$2,437,352,987</b>



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SECTION 2. The monies described in Section 1 for the fiscal year July 1, 2019 to June 30, 2020 are appropriated as indicated to the following projects and public improvements in the UTILITIES OR OTHER ENTERPRISES function. Nothing in this section shall be construed as restricting the allocation of monies among the work phase appropriations (e.g., planning, design, and construction).

PROJECT NUMBER	FUNCTIONS, PROGRAMS & PROJECTS	WORK PHASE	SOURCE OF FUNDS	TOTAL ALL FUNDS
<b>UTILITIES OR OTHER ENTERPRISES</b>				
<b>MASS TRANSIT</b>				
<b>HONOLULU AUTHORITY FOR RAPID TRANSPORTATION</b>				
2007005	HONOLULU HIGH CAPACITY TRANSIT PROJECT	145,646,681 L	100,000,000 FG	2,437,352,987
		4,764,166 P	2,027,564,963 TF	
	Plan, design, construct, inspect, relocate, acquire land,	9,061,137 D	309,788,024 TR	
	equipment and artwork for the Locally Preferred Alternative.	1,797,296,049 C		
		0 I		
		0 E		
		0 R		
		479,872,329 X		
		712,625 A		
<b>TOTAL UTILITIES OR OTHER ENTERPRISES</b>		<b>\$2,437,352,987</b>	<b>\$2,437,352,987</b>	<b>\$2,437,352,987</b>

**UTILITIES OR OTHER ENTERPRISES**

**SOURCE OF FUNDS**

FG Federal Grants Fund	\$100,000,000
TF Transit Improvement Bond Fund	2,027,564,963
TR Transit Fund	309,788,024

**TOTAL SOURCE OF FUNDS** **\$2,437,352,987**

**WORK PHASE**

L Land	\$145,646,681
P Planning	4,764,166
D Design	9,061,137
C Construction	1,797,296,049
I Inspection	0
E Equipment	0
R Relocation	0
X Other	479,872,329
A Art	712,625

**TOTAL WORK PHASES** **\$2,437,352,987**



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## A BILL FOR AN ORDINANCE

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### SECTION 3. General Provisos.

(a) As used in this Ordinance:

"Authority" means the Honolulu Authority for Rapid Transportation.

"Council" means the Council of the City and County of Honolulu.

"Government" means the federal government, the State government, the government of any other state, any political subdivision of any state, or any quasi-governmental entity.

(b) Limited purpose monies. The Authority may receive monies whose use is specified or otherwise limited by the monies' source from: (1) any governmental or quasi-governmental agency; (2) any private source including monetary gifts whose use is specified by the donor; or (3) any combination thereof. When such monies are received, the Authority shall maintain special funds or accounts showing the monies so received and specifying the purposes for which they have been received and held.

All such monies specified in Section 2 of this ordinance are appropriated in the amounts and for the purposes set forth, and all expenditures shall be made as provided by law. All other such monies not specified in Section 2 of this ordinance and which are limited purpose monies are hereby appropriated and may be expended by the Authority for their permitted limited purposes.

The Authority shall report to the Council no later than 30 days after June 30 detailing, for the capital budget fiscal year just ended, the amount of any excess monies received, and the function, program, and project to which the monies have been allotted for expenditure.

(c) At the close of the each quarter, the Authority shall submit to the Council a Statement of Cash Balances by Fund showing for each quarter for each individual fund the cash balance at the start of the accounting period and the cash balance at the end of the period.

(d) Any appropriation authorized in this ordinance or any amendment thereto shall be valid for the fiscal year July 1, 2019 to June 30, 2020 and 12 months thereafter. Any part of such appropriation which is not expended or encumbered shall lapse on June 30, 2021.

(e) If any portion of this ordinance or the application thereof to any person or circumstance is held to be invalid for any reason, the Council hereby declares that the remainder of this ordinance and all other provisions thereof shall not be affected thereby. If any portion of a specific appropriation is held to be invalid for any reason, the remaining portion shall be independent of the invalid portion and such remaining portion shall be expended to fulfill the objectives of such appropriation to the extent possible.

(f) Except for the expenditure of limited purpose monies pursuant to subsection (b), no monies shall be expended by the Authority for any purpose from the Transit Fund or Transit Improvement Bond Fund, unless such monies are first appropriated by the Council.



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## A BILL FOR AN ORDINANCE

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(g) The project number is included for accounting purposes only. If there is a conflict between the number and the project title in this ordinance, the project title shall prevail.

(h) In Section 2 of this ordinance, if there is a conflict between the work phases set forth in the narrative description of a project and the work phases set forth in the work phase column for the project, the work phases set forth in the work phase column shall prevail.

SECTION 4. The detailed Statement of Revenues and Surplus contained in the Executive Operating Program for the Fiscal Year July 1, 2019 to June 30, 2020, as transmitted to the Council in the Executive Program and Budget for the Fiscal Year 2020, Volume 1 (Operating Program and Budget), and as amended in any Executive Operating Program amendments, is hereby incorporated by reference and adopted as an integral part of this ordinance. The detailed Statement of Revenues and Surplus contained therein may be further amended regarding any applicable fund by any amendment to the Executive Operating Budget ordinance, Executive Capital Budget ordinance, Legislative Budget ordinance, Honolulu Authority for Rapid Transportation Operating Budget ordinance, or Honolulu Authority for Rapid Transportation Capital Budget ordinance. In case of any conflict between the substantive provisions of the Executive Operating Program as transmitted and this ordinance or the above budget amendments, the provisions of this ordinance and any of the above budget amendments shall prevail.

### SECTION 5. HART Project Adjustments Account.

The funds provided from the HART Project Adjustments Account may be expended for any excess in contract price(s) or project cost when the contract price(s) or the project cost exceeds the City's estimate for land acquisition, planning, design, construction, inspection, relocation, equipment, artwork and miscellaneous costs. The Council's approval by resolution is required when the cumulative sum provided to a project from the Project Adjustments Account during a fiscal year exceeds either the lesser of \$100,000 or 10 percent of the budgeted amount.

Whenever a project's contract is executed for an amount less than the project's appropriation, only that amount that is excess within that phase shall be transferred to the Project Adjustments Account. The Authority shall report all transactions to or from the account to the Council within 30 days from the date the transfer was approved.

SECTION 6. Notwithstanding SECTION 3 of Ordinance 18-39, no more than \$25,000,000 of city revenues, including but not limited to proceeds from the issuance and sale of city general obligation bonds, is appropriated and may be expended in the Capital Budget ordinance for the Honolulu Authority for Rapid Transportation for the costs of the Honolulu High Capacity Transit Project.



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SECTION 7. The amendments to the Honolulu Authority for Rapid Transportation Capital Budget ordinance, as attached hereto, are hereby incorporated by reference and adopted as an integral part of this ordinance.

SECTION 8. This ordinance takes effect on July 1, 2019.

INTRODUCED BY:

Ann Kobayashi (br)

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE OF INTRODUCTION

March 1, 2019  
Honolulu, Hawaii

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2019

\_\_\_\_\_  
KIRK CALDWELL, Mayor  
City and County of Honolulu



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE 19-16  
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**A BILL FOR AN ORDINANCE**

**AMENDMENTS TO THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION CAPITAL BUDGET**

CD1 Amendments = Plain Text; CD2 Amendments = *Italic Text*

<u>FUNCTION/PROGRAM/PROJECT</u>	<u>AMENDMENT</u>	<u>AMOUNT</u>	<u>PH</u>	<u>AMOUNT</u>	<u>FD</u>
<b>UTILITIES OR OTHER ENTERPRISES</b>					
<b>MASS TRANSIT</b>					
<u>Honolulu Authority for Rapid Transportation</u>					
2007005 HONOLULU HIGH CAPACITY TRANSIT PROJECT	Add funds, amend work phases, and amend sources of funding.	52,841,542 (27,841,542)	L X	63,211,976 (38,211,976)	TF TR

**SECTION 3. General Provisos.**

Amend subsection (f) to read as follows:

"(f) Except for the expenditure of limited purpose monies pursuant to subsection (b), no monies shall be expended by the Authority for any purpose from the ~~[transit fund]~~ Transit Fund or ~~[transit improvement bond fund]~~ Transit Improvement Bond Fund, unless such monies are first appropriated by the Council."

**SECTION 5. HART Project Adjustments Account.**

Amend the first paragraph to read as follows:

"The funds provided from the HART Project Adjustments Account may be expended for any excess in contract price(s) or project cost when the contract price(s) or the project cost exceeds the City's estimate for land ~~[acquisition]~~ acquisition, planning, design, construction, inspection, relocation, equipment, artwork and miscellaneous costs. The Council's approval by resolution is required when the cumulative sum provided to a project from the Project Adjustments Account during a fiscal year exceeds either the lesser of \$100,000 or 10 percent of the budgeted amount."

**SECTION 6.**

Add a new SECTION 6 to read as follows:

"SECTION 6. The amendments to the Honolulu Authority for Rapid Transportation Capital Budget ordinance, as attached hereto, are hereby incorporated by reference and adopted as an integral part of this ordinance."

Renumber existing SECTION 6 as SECTION 7.

Add a new SECTION 6 to read as follows:

"SECTION 6. Notwithstanding SECTION 3 of Ordinance 18-39, no more than \$25,000,000 of city revenues, including but not limited to proceeds from the issuance and sale of city general obligation bonds, is appropriated and may be expended in the Capital Budget ordinance for the Honolulu Authority for Rapid Transportation for the costs of the Honolulu High Capacity Transit Project."

Renumber subsequent SECTIONS as appropriate.

- END OF BILL -

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

ORDINANCE 19-16

BILL 16 (2019), CD2

Introduced: 03/01/19 By: ANN KOBAYASHI – BY REQUEST Committee: BUDGET

Title: A BILL FOR AN ORDINANCE RELATING TO THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION CAPITAL BUDGET FOR THE FISCAL YEAR JULY 1, 2019 TO JUNE 30, 2020.

Voting Legend: \* = Aye w/Reservations

03/08/19	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON BUDGET 6 AYES: ELEFANTE, FORMBY, FUKUNAGA, KOBAYASHI, MANAHAN, PINE. 1 NO: TSUNEYOSHI. 2 ABSENT: ANDERSON, MENOR.
04/03/19	SPECIAL BUDGET	CR-113 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING AS AMENDED IN CD1 FORM.
04/06/19	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
04/17/19	COUNCIL/PUBLIC HEARING	CR-113 ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON BUDGET. 8 AYES: ANDERSON, ELEFANTE, FORMBY, FUKUNAGA*, KOBAYASHI*, MANAHAN, MENOR, PINE. 1 NO: TSUNEYOSHI.
04/26/19	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER. NOTE: COUNCILMEMBER WATERS TOOK OFFICE ON MONDAY, MAY 6, 2019. CC-173 ANDERSON - COUNCIL STANDING COMMITTEE ASSIGNMENTS.
05/14/19	SPECIAL BUDGET	CR-155 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN CD2 FORM. 4 AYES: ELEFANTE, MANAHAN, MENOR, WATERS. 1 EXCUSED: PINE.
06/05/19	COUNCIL	MOTION TO AMEND TO HAND-CARRIED FD1 (OCS2019-0634/6/5/2019 3:44 PM) FAILED. 4 AYES: FUKUNAGA, KOBAYASHI, PINE, TSUNEYOSHI. 5 NOES: ANDERSON, ELEFANTE, MANAHAN, MENOR, WATERS. MOTION TO AMEND TO POSTED FD1 FAILED. 3 AYES: FUKUNAGA, KOBAYASHI, TSUNEYOSHI. 6 NOES: ANDERSON, ELEFANTE, MANAHAN, MENOR, PINE, WATERS. CR-155 ADOPTED AND BILL 16 (2019), CD2 PASSED THIRD READING AS AMENDED. 8 AYES: ANDERSON, ELEFANTE, FUKUNAGA*, KOBAYASHI*, MANAHAN, MENOR, PINE*, WATERS. 1 NO: TSUNEYOSHI.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.

  
GLEN I. TAKAHASHI, CITY CLERK

  
IKAIKA ANDERSON, CHAIR AND PRESIDING OFFICER

19-16

ORDINANCE NO. 19 - 16

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

C E R T I F I C A T E

I hereby certify that on June 7, 2019, Bill 16 (2019), CD2 was presented to the Honorable Kirk Caldwell, Mayor of the City and County of Honolulu, for his approval or otherwise; and that on June 20, 2019, the Mayor returned said Bill without his signature; therefore, pursuant to Section 3-203 of the Revised Charter of Honolulu, said Bill 16 (2019), CD2 became a duly enacted ordinance on June 25, 2019.

Dated, Honolulu, State of Hawaii, this 25<sup>th</sup> day of June, 2019.

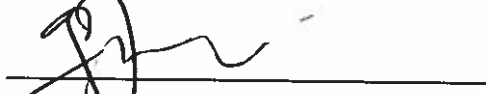
CITY COUNCIL

By

  
IKAIKA ANDERSON

Chair and Presiding Officer

ATTEST:



GLENN TAKAHASHI  
City Clerk